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Letter dated 28 September 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the General Assembly

I have the honour to enclose herewith a statement of the delegation of the Republic of Azerbaijan in exercise of the right of reply to the statement made by President Serzh Sargsyan of the Republic of Armenia on 23 September 2011 at the general debate of the sixty-sixth session of the United Nations General Assembly (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 8.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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Annex to the letter dated 28 September 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the General Assembly

Statement of the delegation of Azerbaijan in exercise of the right of reply to the statement made by the President of Armenia in the general debate on 23 September 2011

The impermissibly aggressive tone of the statement of President Serzh Sargsyan of the Republic of Armenia on 23 September at the general debate of the sixty-sixth session of the United Nations General Assembly testifies to Armenia's apparent disregard of its obligations under the Charter of the United Nations and international law and also demonstrates how the leadership of this Member State is far from engaging in a constructive search for peace in the region.

It is curious that the President of Armenia — the country which bears primary responsibility for unleashing the war and perpetrating aggression against Azerbaijan, carrying out ethnic cleansing on a massive scale, committing other heinous crimes during the conflict and advocating undisguised racist ideology — attempts to criticize neighbouring countries and lecture them on issues pertaining to such notions as peace, human rights, negotiations and conflict resolution.

It is obvious that such a futile effort of the head of the Armenian State easily collapses like a house of cards against the background of facts that testify to a diametrically opposite situation, and it makes no sense at all for Azerbaijan to disseminate "false accusations" against Armenia and the illegal separatist regime established by it in the occupied territories of Azerbaijan, as the President of Armenia asserts.

The President of Armenia must be well aware that what he considers "the exercise of the right to self-determination" by the Armenian ethnic minority group living in Azerbaijan has been unequivocally qualified by the United Nations Security Council and the General Assembly, as well as by other authoritative international organizations, as the illegal use of force against the sovereignty and territorial integrity of Azerbaijan and other egregious violations of the Charter of the United Nations and international law. The illegality of the separatist entity and its structures, established by Armenia on the occupied territory of Azerbaijan, has been repeatedly stated at the international level in the most unambiguous manner.

In an attempt to support his unconvincing arguments that secession is nevertheless possible and that it is dependent upon force and the situation that results, President Sargsyan makes specific reference to the recent admission of the Republic of South Sudan to the United Nations. However, it seems that only the President of Armenia is unaware that, in contrast to the situation of illegality created by the aggression of Armenia against Azerbaijan and its consequences, the independence of the Republic of South Sudan has been achieved on the basis of the consent of the parties concerned and in accordance with the Comprehensive Peace Agreement concluded between them. Anticipating misinterpretations in this regard, the Security Council, in a statement issued by its president on 9 February 2011 (S/PRST/2011/3), made it clear that "the process mandated by the Comprehensive Peace Agreement represents an exceptional case and does not by itself set a precedent".

Speculations on the fictitious "rise in manifestations of armenophobia" in Azerbaijan are also ridiculous and beneath all criticism. President Sargsyan disregards the simple fact that, unlike Armenia, which has implemented the total ethnic cleansing of both its own territory and the occupied territories of Azerbaijan of all non-Armenians and thus succeeded in creating a uniquely monoethnic culture in those areas, Azerbaijan has preserved its ethnic and cultural diversity to the present day.

Moreover, high-ranking Armenian officials regularly make statements that openly promote ethnically and religiously motivated hatred and intolerance. Among numerous examples, the following revelations of the former and current Presidents of Armenia represent the most telling illustrations of the odious ideas of ethnic differentiation and racial superiority laid down in the State policy of Armenia.

Thus, the public comments made in 2003 by the previous President of Armenia, Robert Kocharyan, about "ethnic incompatibility between Armenians and Azerbaijanis" have produced justifiable indignation within the international community. The then Secretary-General of the Council of Europe, Walter Schwimmer, said that "Kocharyan's comment was tantamount to warmongering" and a manifestation of "bellicose and hate rhetoric", while the then President of the Parliamentary Assembly of the Council of Europe, Peter Schieder, stated that "since its creation, the Council of Europe has never heard the phrase 'ethnic incompatibility'".

On 16 October 2010, at a meeting with journalists from the Armenian diaspora, President Sargsyan, referring to the results of some "genetic" study, stated that "as a nation, Armenia has been around for the last 8,000 years". Apart from being based on evident historic falsifications, these words were uttered in the direct context of the speaker's vision of the superiority of the Armenians over other nations, including the Azerbaijanis, who were characterized by the head of the Armenian State as a "Turkic Muslim nomadic tribe". It seems the President of Armenia has forgotten what dire consequences the world has suffered in the past as a result of such "genetic studies".

On 25 July 2011, in a meeting with the youth of his country, the President of Armenia gave instructions to continue the implementation of the policy of hatred and mistrust among the peoples of the region. Thus, in response to the question of a student about the perspectives of expanding Armenia's territory at the expense of neighbouring Turkey, Serzh Sargsyan said that the realization of this duty would depend on the efforts of the new generation and referred as an example to the fulfilment of the task of capturing a part of what he called "our fatherland — Karabakh". In other words, instead of preparing its people for peace and a prosperous and stable future in friendship and cooperation with neighbouring nations, the President of Armenia openly incites the youth and future generations of his country to new wars and violence. This message of the President of Armenia should be undoubtedly interpreted as a response to the joint statement of 26 May 2011 made in Deauville, France, by the Presidents of France, the Russian Federation and the United States of America — the countries co-chairing the Minsk Group of the Organization for Security and Cooperation in Europe — in which, inter alia, they strongly urged the sides to prepare their populations for peace, not war.

It is logical, but certainly not acceptable from the viewpoint of law and standards of morality, that the President of Armenia, who bears personal

responsibility for horrible massacres against Azerbaijanis, denies his own and his Government's culpability for serious crimes committed during the conflict and considers any mention of this issue as "black public relations against Armenia". However, facts are stubborn things, and, together with authoritative international assessments, leave no doubt as to Armenia's widespread and systematic policy and practice of atrocities.

Thus, shortly after the assertion of claims on the Daghlyq Garabagh (Nagorno Karabakh) region of Azerbaijan at the end of the 1980s, under instructions from and with the blessing of the Armenian authorities, the more than 230,000 Azerbaijanis remaining were forcibly deported from Armenia. This process was accompanied by killings, torture, enforced disappearances, the destruction of property and pillaging throughout Armenia. These acts were conducted on a widespread and systematic basis. In all, 216 Azerbaijanis were killed in Armenia in 1987-1989, including children, women and elderly people.

The President of Armenia must be well informed that, long before the world witnessed the horrifying terrorist attacks that took place on 11 September 2001 and from that date onward in different countries, the Armenian secret service and various Armenian terrorist organizations have been actively engaged in perpetrating terrorist acts on the territory of Azerbaijan, targeting civilian objects, including industrial units and means of air, sea and land transport. As a result of such acts perpetrated since the late 1980s, over 2,000 citizens of Azerbaijan have been killed, the majority of them women, the elderly and children.

At the end of 1991 and the beginning of 1992, Armenia initiated combat operations on the territory of Azerbaijan. That period, and the following years until the establishment of the ceasefire in 1994, were marked by an increase in the magnitude, intensity and consistency of the attacks on Azerbaijani civilians.

In February 1992, the town of Khojaly in the Daghlyq Garabagh region of Azerbaijan was notoriously overrun and its civilian population and defenders were subjected to an unprecedented massacre. The attack and capture of the town involved the extermination of hundreds of Azerbaijanis. Atrocities by Armenian troops included scalping, beheading, bayoneting of pregnant women and mutilation of bodies. Even children were not spared. The facts confirm that the intentional slaughter of the Khojaly town civilians and defenders was directed to their mass extermination only because they were Azerbaijanis.

It should be particularly noted in this regard that the events in Khojaly took place in a period when the current President of Armenia served as head of the illegal separatist regime's "Self-Defence Forces Committee" and, accordingly, was one of those responsible for the forcible capture of the town. Moreover, Serzh Sargsyan himself and other direct participants in the crime, without any feeling of remorse, unequivocally admitted in public their culpability for the extermination of the inhabitants and defenders of Khojaly. Thus, for example, the following citation from the well-known interview of the President of Armenia is self-explanatory: "[B]efore Khojaly, the Azerbaijanis thought that ... the Armenians were people who could not raise their hand against the civilian population. We were able to break that [stereotype]" (Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York and London, New York University Press, 2003), p. 172).

In its resolutions adopted in 1993 in response to the occupation of Azerbaijani territories, the Security Council referred specifically to violations of international humanitarian law, including attacks on civilians and bombardments of inhabited areas. The European Court of Human Rights later arrived at an important conclusion qualifying the offences of the invading Armenian military forces against Azerbaijani civilians as acts of particular gravity that could amount to war crimes or crimes against humanity.

We have no doubt that the crime in Khojaly, along with other atrocities committed in the course of the aggression of Armenia against Azerbaijan, entails the former's State responsibility under international law and the individual criminal responsibility of those who participated in said acts and their accomplices and accessories. The Republic of Azerbaijan proceeds from the strong understanding that there can be no long-term and sustainable peace without justice and that ending impunity for the most serious international crimes is essential not only for the purposes of individual criminal responsibility, but also for peace, truth, reconciliation and the rights of the victims.

The statement of the President of Armenia has not become an exception from the usual speculations and misinterpretations by high-ranking Armenian officials as to the true value and content of the conflict settlement process and mediation efforts.

As a country suffering from the occupation of its territories and the forcible displacement of hundreds of thousands of its citizens, Azerbaijan is the party most interested in the earliest negotiated settlement of the conflict and the removal of its consequences. On the contrary, taking advantage of the favourable results of military actions, Armenia is trying to consolidate the current status quo of the occupation and impose, finally, a fait accompli situation.

On 2 November 2008, the Presidents of Armenia, Azerbaijan and the Russian Federation signed a Joint Declaration in Moscow. This document states, inter alia, that the signatories "will work towards improving the situation in the South Caucasus and establishing stability and security in the region through a political settlement of the Nagorny Karabakh conflict, on the basis of the principles and norms of international law and the decisions and documents adopted in this framework, which will create favourable conditions for economic development and comprehensive cooperation in the region". Thus, the heads of three States underlined that the principles and norms of international law and the decisions and documents adopted in this framework, which undoubtedly includes in the first place the Security Council resolutions of 1993 as well as the General Assembly resolutions of 2006 and 2008, are the basis of a political settlement of the conflict between Armenia and Azerbaijan.

However, as the practice shows, the commitments and deeds of the Armenian leadership have always been at variance. Thus, by asserting that "the people of Nagorno-Karabakh exercised their right to self-determination", the President of Armenia confirmed once again that he considers the conflict settlement process only as a means of achieving the annexation of Azerbaijani territories that it has captured through military force and in which it has carried out ethnic cleansing.

Intensified attacks over the last months on Azerbaijani civilians and civilian objects across the front line and an unprecedented increase of hostile statements by

Armenian leadership, full of historical falsifications and factual distortions as to the root causes of the war and conflict settlement process, confirm the validity of serious concern over the destabilizing effect of Armenia's policy and represent a direct threat to peace, security and stability in the region.

It is unprecedented and absurd that, against the background of the continuing occupation by Armenia of the territories of Azerbaijan, the President of the former attempts to blame the victim of aggression for allegedly rejecting the proposal to sign an agreement on the non-use of force. It is obvious that the principle of the non-use of force, which has been flagrantly violated by Armenia, must be reaffirmed in inter-State relations between Armenia and Azerbaijan in the framework of the settlement of the conflict and applied following the complete withdrawal of Armenian armed forces from the Daghlyq Garabagh region and other occupied territories of Azerbaijan. Accordingly, any speculations on this issue by the Armenian side are nothing more than a primitive propagandistic trick.

In his statement, President Sargsyan recognizes the important choice of the theme of this general debate on the role of mediation in the settlement of disputes by peaceful means. At the same time, he omits to mention in this regard that Armenia was the only country among the States Members of the United Nations that disassociated itself from the consensus on resolution 65/283 on strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution, adopted by the General Assembly at its sixty-fifth session.

The Government of the Republic of Azerbaijan considers the defiant rhetoric of the Armenian leadership as having the sole purpose of discrediting the ongoing conflict settlement process, misleading the international community and drawing its own public's attention away from the country's aggravating internal problems.

We are confident that the destructive political agenda of Armenia is fated never to be realized. Armenia will be obliged to cease its provocative policy, to ensure that the occupation of Azerbaijani territory is ended, to denounce its territorial claims towards neighbouring nations and to establish civilized relations with all countries of the region. The Republic of Azerbaijan sincerely believes that there is no alternative to peace, stability and mutually beneficial regional cooperation.